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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/290,419	04/13/1999	TSUYOSHI KURIBAYASHI	990409	9862

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EXAMINER

ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/290,419

Applicant(s)

KURIBAYASHI, TSUYOSHI

Examiner

Fritz Alphonse

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11, 14, 16, 25-27, 29, 32, 34, 44-46, 48, 51, 53 and 55-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7, 8, 16, 25, 26, 34, 44, 45, 53 and 55-62 is/are allowed.
- 6) ☒ Claim(s) 9, 11, 14, 27, 29, 32, 46, 48, 51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9, 11, 14, 27, 29, 32, 46, 48, 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillespie (U.S. Pat. No. 5,880,411).

As to claims 9 and 11, Gillespie (fig. 1) shows an input processing method for a device which provides input by performing a touch motion on an operating surface (note user's finger 8 on operating surface 10), comprising: a first step of detecting the length of time of a non-touch state in which no touch motion is performed on said operating surface (note Gillespie teaches a first step of detecting a non-touch state; see fig. 15B "t₅") and a second step of determining information indicating a touch state in accordance with said detected length of time when a touch motion had occurred (see figure 15B "t₆"; col. 37, lines 19-21), wherein said device is a device that displays a cursor in a display section (see col. 36, lines 26-30), said cursor has a first state for directing the processing of a manipulation target displayed in said display section, and a second state for not directing the processing of said manipulation target, and there is included a step in which said cursor changes from said second state to said first state or from said first state to said second state in response to said touch state indicating information (note also in Gillespie, the cursor changes from first state a touch or click state followed by second state is the drag mode. It will then go back to the other state). See figure 15a.

As to claim 14, Gillespie (fig. 15A) shows an input processing method, wherein the first state is a cursor-clicked state, and said second cursor is a hovering state.

As to claims 27 and 29, Gillespie (fig. 1) discloses an input control apparatus for a touch input device which provides input by performing a touch motion on an operating surface (note user's finger 8 on operating surface 10), comprising: a first unit detecting the length of time of a non-touch state in which no touch motion is performed on said operating surface (note Gillespie teaches a first step of detecting a non-touch state; see fig. 15B " t_5 ") ; and a second unit determining information indicating a touch state in accordance with said detected length of time when a touch motion had occurred (see figure 15B " t_6 "; col. 37, lines 19-21), wherein said device is a device that displays a cursor in a display section, said cursor has a first state for directing the processing of a manipulation target displayed in said display section, and a second state for not directing the processing of said manipulation target, and there is included a unit for changing said cursor from said second (first) state to said first (second) state in response to said touch state indicating information (note also in Gillespie, the cursor changes from first state a touch or click state followed by second state is the drag mode. It will then go back to the other state). See figure 15a.

As to claims 32 and 51, Gillespie discloses an input control apparatus as claimed in claim 27, wherein said first state is a cursor-clicked state, and/or said second state is a hovering state.

As to claims 46 and 48, the claims have substantially the limitations of claims 27 and 29. Therefore, they are analyzed as previously discussed in claims 27 and 29 above.

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Allowable Subject Matter

3. Claims 7, 8, 16, 25, 26, 34, 44, 45, 53, 55, 56, 57, 58, 59, 60, 61, 62 are allowable. None of the cited references discloses "when the number of occurrences is 1, the state is not a touch or when the number of occurrences is 2, the state is a touch or if occurrences is 2, the state is a click or if occurrences is 3, the state is a double click".

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


F. Alphonse

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April 27, 2004


CHANH NGUYEN
PRIMARY EXAMINER